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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
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11 AT SEATTLE

12 JAMES B. TURNER and JOANNE K.
13 LIPSON, husband and wife,

14 Plaintiffs,

15 v.

16 FRASER'S BOILER SERVICE, INC.;

17 Defendants.

Case No. 2:13-cv-01747

**DEFENDANT KELLY-MOORE PAINT
COMPANY, INC.'S SUPPLEMENTAL
WITNESS DISCLOSURES**

18 **PRELIMINARY STATEMENT**

19 Kelly-Moore Paint Company, Inc. (herein referred to as "Kelly-Moore" or "Defendant")
20 does not intend to vouch for all of the opinions which may be held by all of the persons
21 designated herein. By making such designations, Kelly-Moore does not necessarily adopt or
22 concede the accuracy or correctness of all opinions by such individuals. Further, the words and
23 language used in the designations were prepared by counsel and are not intended to represent the
24 exact words or language of the expert witness.

25 **FACT WITNESS DISCLOSURE**

26 Kelly-Moore supplements its fact witness disclosure with the following additional
witnesses:

1. Dan Eagen
196 Southwest Freeman Avenue
Hillsboro, Oregon 97123
C/O Hawkins Parnell Thackston & Young, LLP

Mr. Eagen was employed by Kelly-Moore as an outside sales representative in the Seattle/Tacoma, Washington area from approximately 1973 through 1977. Mr. Eagen may testify about the joint compound market and sales of Kelly-Moore and Paco products in the Seattle/Tacoma, Washington area in the 1970s. He may also testify in regard to his knowledge of specific drywall contractors and jobsites at issue in this case.

2. Harley Krone
3307 S 268th Street #32
Kent, Washington 98032
(253) 852-6225

Mr. Krone was the owner of Krone Drywall in Kent, Washington from approximately 1961 until 1989. Mr. Krone may testify about the joint compound and drywall market in Washington in the 1970s. He may also testify regarding the joint compound products purchased and used by Krone Drywall during the 1970s.

Dated this 24 day of October, 2013.

RIZZO MATTINGLY BOSWORTH PC

By: 

J. Michael Mattingly, WSB #33452
mmattingly@rizzopc.com

Attorney for Kelly-Moore Paint Company,
Inc.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES B. TURNER and JOANNE K.
LIPSON, husband and wife,

Plaintiffs,

v.

FRASER'S BOILER SERVICE, INC., et al,

Defendants.

Case No. 2:13-cv-01747

**DECLARATION OF DELIVERY
AND/OR MAILING**

I am employed by the law firm of Rizzo Mattingly Bosworth PC in Portland, Oregon. I am over the age of eighteen years and not a party to the subject cause. My business address is 1300 SW Sixth Avenue, Ste. 330, Portland, Oregon 97201.

On the date below, I electronically filed the foregoing **DEFENDANT KELLY-MOORE PAINT COMPANY, INC.'S SUPPLEMENTAL WITNESS DISCLOSURES** with the Clerk of the Court using the CM/ECF system. In accordance with their ECF registration agreement and the Court's rules, the Clerk of the Court will send e-mail notification of such filing to the following attorneys:

VIA ECF

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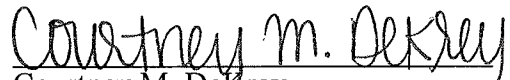
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18 I declare under penalty of perjury and under the laws of the State of Washington (RCW
19 9A.72.085) that the foregoing is true and correct.

20 Executed at Portland, Oregon, this 24th day of October, 2013.

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22 Courtney M. DeKrey
23 Paralegal
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